

Missouri Department of Transportation  
Transition Plan Update in  
Compliance with the  
Americans with Disabilities Act, Title II Requirements

September 1, 2010

## **Executive Summary**

The purpose of this document is to update the “Transition Plan for the Missouri Highway and Transportation Department,” July 20, 1992. It has been developed to fulfill the requirements of the Americans with Disabilities Act of 1990, Public Law 101-336 under the implementing regulation for Title II, 28 CFR Part 35 35.150(d).

The Americans with Disabilities Act (ADA) requires public entities with more than 50 employees to conduct a self-evaluation and to develop a transition plan that identifies all structural modifications necessary to achieve program accessibility, describe the methods intended to make the modifications, specify a schedule for completion of the modifications and identify the official responsible for implementation of the plan.

In the summer of 2007, the Missouri Department of Transportation (MoDOT) began an inventory of the current public facilities. All facilities for use by the public including District and Central Office buildings, welcome centers and pedestrian facilities were evaluated to determine their compliance with the standards set out by the ADA.

In November of 2008, an ADA Collaboration Team was developed to assure that Construction and Design Division and District staff work together to determine clear priorities, methods and a schedule to update MoDOT’s Transition Plan. The Missouri Division of the Federal Highway Administration (FHWA) also participated as part of the team.

It is anticipated that the facilities identified in this plan will be upgraded in accordance with the ADA by 2027. This date is contingent upon funding levels and the ability to schedule the work in future projects. MoDOT and FHWA agree to re-evaluate both progress and the anticipated completion date approximately every five years. District and Central Office management will be allowed to determine the most effective and efficient methods to complete the needed work, giving consideration to the priorities stated in this plan.

Using 2008 costs, the modifications are expected to exceed \$150 million. Because expenditures are planned in accordance with the Statewide Transportation Improvement Plan (STIP) most of the funding available through the 2015 STIP has been committed and improvements will be made on projects where possible. Beyond the 2015 STIP, it is expected that districts will make progress toward the completion of the necessary upgrades each year.

MoDOT uses an organizational performance measure known as the Tracker to assure that the department is accountable in meeting goals that support its Tangible Results and Values. ADA compliant program and facility access closely mirrors the department’s “Environmentally and Socially Responsible” tangible result and will be tracked under this category. Each district will also be tracked to ensure satisfactory progress through the completion of the Transition Plan.

## 2010 Transition Plan

### **Responsibility and Intent**

The Missouri Department of Transportation (MoDOT) respects the rights of all those who use state transportation facilities and accepts the responsibility of providing equal access to all users. With this in mind, it is the goal of the department to upgrade MoDOT owned facilities to which the public has access to comply with the Americans with Disabilities Act. This document is an update to the Transition Plan completed in July, 1992 in accordance with the Americans with Disabilities Act of 1990, Public Law 101-336 under the implementing regulation for Title II, 28 CFR Part 35 35.150(d).

### **Commitment**

This Transition Plan represents the department's intent to upgrade existing facilities over a 17-year period reaching completion by 2027. MoDOT maintains over 33,000 miles of roads and nearly 10,000 bridges. As these roads and bridges undergo alterations, the pedestrian facilities associated with them will be brought into compliance with current ADA standards. Additional improvements will be made with separate projects and internal work forces to complete the plan in a timely manner. MoDOT owned buildings to which the public has access will be upgraded by 2015 and have been prioritized by the degree of public use for each building.

### **Limitations**

Many challenges exist in reaching full compliance with the ADA. All of the work will occur as alterations to the existing right of way and building facilities. Working within the limits owned by MoDOT, and completing construction within the physical constraints of each project or facility may at times force MoDOT to rely on providing compliance "to the maximum extent feasible" when it becomes technically infeasible to accomplish a fully compliant solution. Every effort will be made to remove all barriers and provide easy access to the transportation facilities over which the department has control. In addition, attempts will be made to work with other public right of way owners and adjacent property owners to determine the best solution for each area.

### **Development of the Transition Plan Update**

#### Pedestrian Facilities on the Public Right of Way

In the summer of 2007, districts began determining the ownership of sidewalks, crosswalks and traffic signals along state owned and maintained roads. Where it was thought that MoDOT is the party responsible for upgrade of the facilities, an inventory of features was completed and entered into a statewide database. In the winter of 2008, an evaluation of the data was completed and the costs to bring the facilities into compliance were estimated. MoDOT acknowledges that some facilities may have been overlooked or counted by mistake. If it is determined that items need to be added to or removed from the inventory, the plan will be corrected as needed. Actual ADA improvements will be determined by the condition of the facility at the time of the project and absence from the inventory will not exempt work from being completed.

The inventory and estimates were reviewed by the districts to determine which items might be upgraded as part of the current Statewide Transportation Improvement Plan (STIP). The STIP is a commitment to the public of the projects planned to be completed during a 5-year timeframe. The first three years of the STIP are fully programmed within the limits of the estimated budget. The later years are not fully programmed and project scope and estimate changes can be made more easily. Inventory items that are not included within a current STIP project will be completed in one of the following ways:

- ❖ Future STIP project
- ❖ Stand alone project to be completed with contract labor
- ❖ Internal forces such as special crews or maintenance staff
- ❖ Improvements made by others such as local agencies and work done by permit

#### Pedestrian Facilities Priorities and Implementation

It is the responsibility of district management to determine the most efficient and effective means of using the resources available to them, both financially and through staff management, to accomplish the many tasks for which they are held accountable. Given this basic department structure, district management will determine the best methods to correct ADA deficiencies within each district. Public input, with an emphasis on identifying and including disabled populations, will be sought out to provide input into district prioritization decisions. In making these determinations the decisions will be based on balancing the following priorities:

##### Locations:

1. High risk areas, based on crash data and safety concerns
2. High volume public use areas, and accessibility needs areas
3. STIP projects
4. Public requests
5. Corridors and high volume use areas

##### Focus areas:

1. Removal of barriers, such as curbs
2. Intersections
3. Other accessible routes and sidewalks

#### Pedestrian Facilities Schedule

It is anticipated that to complete the necessary improvements required by the ADA will take 17 years, beginning with current projects in 2010 and reaching completion by 2027. During this time, MoDOT will have performed maintenance or reconstruction on most of the right of way included in the survey. In addition, funding provided in the next three federal highway bills can be identified for use to make the necessary system improvements.

The full cost of compliance exceeds \$150 million. This cost does not include inflation, right of way purchases or easements, or the cost of utility relocations. These additional costs may affect the proposed timeline. Items included in projects in the current 2011-2015 STIP will be completed with the projects where possible. Remaining items will be

completed with one of the methods discussed above and the district management staff will be held accountable for making progress each year.

A copy of the District Right of Way Inventory is attached as Appendix A and includes information on the compliance of sidewalks, intersections and traffic signals.

### **Building Facilities**

MoDOT maintains many buildings and grounds across the state, from office buildings to welcome centers to maintenance sheds. It is important that those buildings used by the public are made accessible in accordance with the ADA. In the summer of 2008, MoDOT building facilities were inventoried in much the same way as the pedestrian facilities. A database was developed and estimates for ADA compliance were determined.

#### Building Facility Priorities and Implementation

Again, district management, working with General Service's management, is responsible for prioritization of the needs within their districts. The degree of public use will be the determining factor in prioritizing the upgrades in each district. The buildings have been divided into the following three groups:

- Priority One – high volume public use areas such as welcome centers and offices
- Priority Two – occasional public use and employee work areas
- Priority Three – employee only work areas as needed

MoDOT maintenance buildings that are used to store and maintain equipment are not open to the public and have been excluded from the inventory. They do not provide programs, services or activities to the public and are restricted to authorized personnel only.

#### Building Facilities Schedule

Correction of building facilities is expected to cost nearly \$2 million and take 5-6 years to complete with the funding that is anticipated to be available. The funding will be part of the department's capital improvements budget.

A copy of the District Building Inventory is attached as Appendix B and includes compliance information on MoDOT owned buildings.

### **Public Comment**

The public will be invited to review and comment on this Transition Plan. It will be available at the Central Office in Jefferson City and at all District Offices between the dates of September 1, 2010 and October 15, 2010. It will also be available on MoDOT's website and a virtual public meeting will be held. The disabled community will be specifically notified of its availability and will be encouraged to provide comment. Those comments will be taken under consideration and incorporated into the plan where appropriate.

**Accountability**

MoDOT is accountable to the citizens of Missouri and maintains a transparent method of doing business. As documentation of the department's effort to improve operations and meet the needs of the traveling public, an organizational performance measure known as The Tracker has been developed and is available on the internet. The Tracker is used to assure that the department is accountable in meeting goals that support its Tangible Results and Values. ADA compliant program and facility access closely mirrors the department's "Environmentally and Socially Responsible" tangible result and will be tracked under this category. Each district will also be tracked to ensure satisfactory progress through the completion of the Transition Plan.

**Inventory Maintenance**

Each district will be responsible for maintaining its' ADA inventory. As items are completed, they will be noted in the database and the cost will be subtracted from the total amount of work to be done. If it has been determined that an item has been brought into compliance to the maximum extent feasible, or that it is technically infeasible to bring the item into compliance, the decision will be documented and the item will be considered complete in the database.

**Responsible Person**

Lester Woods, External Civil Rights Director, will be the responsible party for this document and its implementation.

**Notification of Concerns**

Complaints or concerns that a program, service, or activity of MoDOT is not accessible to persons with disabilities should be directed to Mr. Lester Woods, External Civil Rights Director, at 573-751-2859.